

**UNITED STATES COURT OF APPEALS
FOR THE EIGHTH CIRCUIT**

No: 20-2061

Mark Fochtman, individually, and on behalf of all others similarly situated; Corby Shumate, individually, and on behalf of all others; Michael Spears, individually and on behalf of all others; Andrew Daniel, individually and on behalf of all others; Fabian Aguilar, individually and on behalf of all others; Sloan Simms, individually and on behalf of all others

Plaintiffs - Appellees

v.

DARP, Inc.

Defendant

Hendren Plastics, Inc.

Defendant - Appellant

John Does 1-29

Defendant

Arkansas Prosecuting Attorney Association; Simmons Foods; Simmons Pet Food, Inc.; Work-Based Rehabilitation Program Graduates; Americans for Prosperity Foundation; Texas Public Policy Foundation; Cenikor Foundation; CAAIR, Inc.; R&R Engineering

Amici on Behalf of Appellant(s)

No: 20-2068

Mark Fochtman, individually, and on behalf of all others similarly situated; Corby Shumate, individually, and on behalf of all others; Michael Spears, individually and on behalf of all others; Andrew Daniel, individually and on behalf of all others; Fabian Aguilar, individually and on behalf of all others; Sloan Simms, individually and on behalf of all others

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DARP, Inc.

Defendant - Appellant

Hendren Plastics, Inc.; John Does 1-29

Defendants

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Amici on Behalf of Appellant(s)

Appeals from U.S. District Court for the Western District of Arkansas - Fayetteville
(5:18-cv-05047-TLB)

JUDGMENT

Before LOKEN, COLLOTON, and BENTON, Circuit Judges.

These appeals from the United States District Court were submitted on the record of the district court, briefs of the parties and were argued by counsel.

After consideration, it is hereby ordered and adjudged that the judgment of the district court in these causes is reversed and the causes are remanded to the district court for proceedings consistent with the opinion of this court.

August 25, 2022

Order Entered in Accordance with Opinion:
Clerk, U.S. Court of Appeals, Eighth Circuit.

/s/ Michael E. Gans